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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,593	10/01/2003	Ronald L. Brookshire	1088.008	7971

7590

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EXAMINER
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KRECK, JOHN J

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/676,593	Applicant(s) BROOKSHIRE ET AL.	
	Examiner John Kreck	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, and 7 are rejected under 35 U.S.C. 102(b) as anticipated by Adkins, II (United States Patent number 5,131,888).

Adkins shows the fan module; at least one fan (12) in the module; at least one battery (18); and solar panel (15) as called for in claim 1.

Adkins also shows the DC fan as called for in claim 2.

Adkins also shows the axial fan as called for in claim 3.

Adkins also shows the fan pipe (17,21) and flanges (13', 13'') as called for in claim 4. Note: the language "for mating...landfill well is given weight as intended use.

Adkins also shows the array as called for in claim 7.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins.

Adkins teaches a 12 volt battery, but fails to explicitly disclose the type of battery. Official Notice is taken of the fact that 12 volt lead acid batteries are commonly used because they are relatively inexpensive and durable. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Adkins system to have a lead acid battery as called for in claim 6.

Adkins fails to teach the voltage controller disposed between the solar panel and battery. Official Notice is taken of the fact that a voltage controller disposed between the solar panel and battery is customary, since solar panel voltage can fluctuate; resulting in charging problems. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Adkins system to have a voltage controller disposed between the solar panel and battery as called for in claim 8.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins in view of any one of Finley (United States Patent number 776,310); West (United States Patent number 349,549) or Bates (United States Patent number 98,833).

Adkins fails to show the support rod. Such support rods are well known and old as evidenced by the cited patents; they are used to strengthen the joint and reduce the number of nuts required. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Adkins device to have a support rod as called for in claim 5.

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4. Claims 9, 11, 12, 13, 14, 15, 16, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo, Sr. (United States Patent number 5,857,807) in view of Adkins.

Longo teaches the process of extracting gas from a landfill which uses a well pipe and fan.

Adkins teaches a fan module process which includes the steps of energizing and recharging. The Adkins fan is advantageous in that it is inexpensive and portable. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Longo process to have included installing a fan module in the well, energizing the fan, and recharging the battery as called for in claim 9; since the fan module and solar cell are inexpensive and portable.

Adkins teaches a 12 volt battery, but fails to explicitly disclose the type of battery. Official Notice is taken of the fact that 12 volt lead acid batteries are commonly used because they are relatively inexpensive and durable. It would have been further obvious to one of ordinary skill in the art at the time of the invention to have used a lead acid battery as called for in claim 11.

Adkins teaches an axial fan as called for in claim 12.

With regards to claim 13; the rate of gas production is deemed to be a matter of engineering design: it would have been obvious to one of ordinary skill in the art at the time of the invention to have operated the fan such that gas would exhaust at 40scfm.

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Adkins teaches maintaining 12 volts DC as called for in claim 14.

Regarding independent claim 15:

Longo teaches a system including fan means in communication with a landfill well. Longo fails to teach the battery and solar power means.

Adkins teaches a fan system including battery and solar power. The Adkins fan is advantageous in that it is inexpensive and portable.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Adkins process to have battery means and solar means as called for in claim 15; since the fan module with battery and solar cell are inexpensive and portable.

Adkins teaches a 12 volt battery, but fails to explicitly disclose the type of battery. Official Notice is taken of the fact that 12 volt lead acid batteries are commonly used because they are relatively inexpensive and durable. It would have been further obvious to one of ordinary skill in the art at the time of the invention to have used a lead acid battery as called for in claim 16.

Adkins teaches the axial fan as called for in claim 17.

Adkins teaches the pipe and flanges as called for in claim 18.

Adkins fails to teach the voltage controller disposed between the solar panel and battery. Official Notice is taken of the fact that a voltage controller disposed between the solar panel and battery is customary, since solar panel voltage can fluctuate; resulting in charging problems. It would have been obvious to one of ordinary skill in

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the art at the time of the invention to have a voltage controller disposed between the solar panel and battery as called for in claim 20.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longo and Adkins and further in view of any one of Finley (United States Patent number 776,310); West (United States Patent number 349,549) or Bates (United States Patent number 98,833)


Adkins fails to show the support rod. Such support rods are well known and old as evidenced by the cited patents; they are used to strengthen the joint and reduce the number of nuts required. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the Adkins device to have a support rod as called for in claim 19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on M-F 5:30 am - 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**JOHN KRECK**  
**PRIMARY EXAMINER**  
John Kreck  
Examiner  
Art Unit 3673

JJK